

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: DEALER MANAGEMENT SYSTEMS
ANTITRUST LITIGATION

This Document Relates to:
*Motor Vehicle Software Corp. v. CDK Global, LLC,
et al.*, Case No. 1:18-cv-00865 (N.D. Ill.)

MDL No. 2817
Case No. 18 C 864

Hon. Robert M. Dow, Jr.
Magistrate Judge Jeffrey T. Gilbert

**DECLARATION OF MICHAEL N. NEMELKA IN SUPPORT OF
PLAINTIFF MOTOR VEHICLE SOFTWARE CORPORATION'S OPPOSITION
TO DEFENDANT COMPUTERIZED VEHICLE REGISTRATION'S
MOTION FOR A STAY OF DISCOVERY**

I, Michael N. Nemelka, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner with the law firm of Kellogg, Hansen, Todd, Figel & Frederick, P.L.L.C. in Washington, D.C., which represents Plaintiff Motor Vehicle Software Corporation (“MVSC”) in the above captioned case. I respectfully submit this declaration in support of Plaintiff MVSC’s Opposition to Defendant Computerized Vehicle Registration’s (“CVR”) Motion for a Stay of Discovery (“Opposition”).
2. The following facts are based on my personal knowledge or on information provided to me. If called upon as a witness, I could and would testify competently to them.
3. I have been and continue to be involved in the communications and meet and confers, pursuant to Local Rule 37.2, with Defendant CVR regarding discovery in the above-captioned case.
4. Listed below are relevant materials and/or information cited and discussed in Plaintiffs’ Opposition.
5. Attached as **Exhibit A** is a true and correct copy of Defendants’ First Set of Requests for Production to MVSC (May 25, 2018).

6. Attached as **Exhibit B** is a true and correct copy of MVSC's Objections and Responses to Defendants' First Set of Requests for Production (June 22, 2018).

7. Attached as **Exhibit C** is a true and correct copy of Individual Plaintiffs' First Set of Requests for the Production of Documents for Defendant CDK Global, LLC (May 25, 2018).

8. Attached as **Exhibit D** is a true and correct copy of the Letter from D. Ho and P. Wedgworth to B. Miller regarding custodians and search terms (June 1, 2018).

9. Attached as **Exhibit E** is a true and correct copy of the Letter from B. Miller to D. Ho and P. Wedgworth in response to the June 1 letter regarding custodians and search terms (June 1, 2018).

10. Attached as **Exhibit F** is a true and correct copy of CDK Global, LLC's Responses and Objections to "Individual Plaintiffs'" First Set of Requests for the Production of Documents (June 22, 2018).

11. Attached as **Exhibit G** is a true and correct copy of the Letter from M. Nemelka to M. Provance in response to the September 14 letter regarding proposed document custodians and search terms (September 18, 2018).

12. Attached as **Exhibit H** is a true and correct copy of Individual and Vendor Class Plaintiffs' Proposed CVR Search Terms.

13. Attached as **Exhibit I** is a true and correct copy of the Letter from M. Provance to M. Nemelka in response to the September 10 letter regarding proposed document custodians (September 14, 2018).

14. On May 25, 2018, Defendants CDK Global, LLC ("CDK"), CVR, and The Reynolds and Reynolds Company ("Reynolds") (collectively, "Defendants") served Requests for Production to MVSC.

15. Over the course of several meet-and-confers, the parties negotiated in good faith and resolved all issues with respect to MVSC's responses to Defendants' document requests.

16. MVSC has expended significant time and resources responding to Defendants' document requests.

17. MVSC has now nearly completed its search for and production of responsive documents, and expects to substantially complete its production by October 12, 2018.

18. Individual Plaintiffs served their first set of requests for production (“RFPs”) on CDK on May 25, 2018.

19. Many of the RFPs to CDK sought CVR documents. But CDK generally objected to those requests, asserting that those documents should be requested from CVR directly.

20. Individual Plaintiffs agreed over the course of meet-and-confer negotiations to serve separate requests on CVR. And during those negotiations, CVR’s counsel, Britt Miller – who also represents CDK – agreed to accept these requests at a later date and to respond to them when received.

21. Accordingly, Individual Plaintiffs, including MVSC, served separate RFPs on CVR on August 30, 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 3, 2018

/s/ Michael N. Nemelka
Michael N. Nemelka